

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

OMAR BENNETT,)
Petitioner)
vs.) Civil Action No. 05-390
DONALD KELCHNER; THE DISTRICT) Magistrate Judge Amy Reynolds Hay
ATTORNEY OF THE COUNTY OF)
WESTMORELAND; THE ATTORNEY)
GENERAL OF THE STATE OF)
PENNSYLVANIA,)
Respondents)

O R D E R

AND NOW, this 27th day of March, 2006, after the petitioner, Omar Bennett, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the Petition for Writ of Habeas corpus is denied;

IT IS FURTHER ORDERED that a certificate of appealability is denied;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

s/Arthur J. Schwab

ARTHUR J. SCHWAB
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Omar Bennett
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